

U.S. Department of Justice

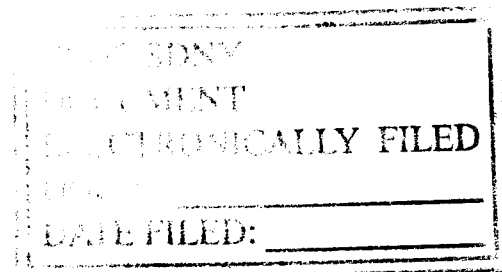
United States Attorney
Southern District of New York

United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

April 13, 2007

BY FACSIMILE

The Honorable Colleen McMahon
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601



Re: United States v. Hurgenes Pignard,
S1 06 Cr. 718 (CM)

Dear Judge McMahon:

The Government respectfully requests an in limine ruling in the above-referenced matter concerning potential cross-examination of Charles Quincy Lee – one of the Government's expected witnesses at trial.

In February 15, 1992, when Lee was 18, he was arrested for possession of heroin in Newark, New Jersey. Lee has told the Government that he was arrested and that a lawyer represented him in this matter. According to Lee, his lawyer told him that he did not have to return to Court. On Lee's criminal history sheet, the date of disposition for this arrest is September 20, 2001. However, there is no disposition listed.

Lee also told the Government that he was arrested in the Bronx in November 2006 because he had a kitchen knife in his car. Lee told the Government that he pleaded guilty to a misdemeanor and paid a fine. There is no record of this arrest on Lee's criminal history sheet. According to information received from the Bronx County District Attorney's Office, Lee was arrested on November 22, 2006 and was arraigned on November 24, 2006. At his arraignment, he pleaded guilty to a violation of Administrative Code Section 10-133(b) and was sentenced to time served and a mandatory surcharge.

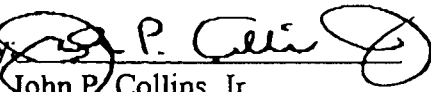
The Government seeks to preclude cross-examination of Mr. Lee on either of these events because neither occurrence constitutes a basis for impeachment under Fed. R. Evid. 608(b) or 609. Mr. Lee's conviction for possessing a knife with a blade of four inches or more was only a violation of New York City's Administrative Code, and his arrest for possession of

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heroin as a teenager did not result in a conviction. Neither event is probative of Mr. Lee's truthfulness, honesty, or credibility.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

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cc: William A. Gerard, Esq. (by facsimile)



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